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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,663	06/19/2000	Brett Gavagni	6169-159	4323

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EXAMINER

NOBAHAR, ABDULHAKIM

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/596,663

Applicant(s)

GAVAGNI ET AL.

Examiner

Abdulahkim Nobahar

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to applicants' amendment received on September 10, 2004.
2. Applicants' arguments have been fully considered but they are not persuasive.
3. Applicants argue as follows:

On page 11, paragraph 4: "Neither Saylor, Jordin, or combinations thereof provide such teachings or suggestions to integrate SSL with Voice Browsers."

On page 12, paragraph 5: "That is, Saylor fails to teach or suggest that the communication channel in which information is conveyed between the voice server and the voice browser should be secured."

On page 13, paragraph 2: "Jardin is silent in regard to performing secured communications between a Voice Browser and a network device and in regard to securely communicating VoiceXML-based Web content."

Saylor on col. 11, lines 29-36, teaches: "For example, if a content provider creates a VPage with several transactions, the content provider may want to authenticate callers with called identification and password authentication to make sure that the transactions are secure. If a user and content provider have both set up

authentications, then the authentication module may select between the two, such as by selecting the most secure method.” And also on col. 20, lines 33-35, teaches:

“Authentication/Security module 45 authenticates users that dial into the VNAP, as described above, and may also provide for network security.” These teachings are indication of a secure communication.

Jardin in abstract describes: “In another embodiment, the broker establishes a secure SSL link with the one or more fulfillment servers.” And on col. 4, lines 11-46 describes: “The broker 120 is configured to support several SSL links and, in one embodiment, the broker 120 may support up to 600 SSL links or transactions per second. Communication between the broker 120 and multiple clients is typically provided by the characteristics of the communication protocol. ... Communications over the network 150 may include transmission and reception of secure data between the client 110 and broker 120. As noted above, the network 150 may implement TCP/IP protocols (such as the Internet) and apply one or more security protocols, such as SSL, IPSec, or others. ... The broker 120 responds to the client 110 by transmitting a packet having a set ACK bit, and the client 110 acknowledges the acknowledgement of the broker 120 by transmitting a packet having a set ACK bit. In addition to establishing a handshake pursuant to the network protocol, performing a handshake in accordance with the specification of the secure protocol (e.g., SSL) may be required.” These indicate that Jardin expressly teaches the establishment of a secure session

Art Unit: 2132

between a client (corresponding to the applicants' voice browser) and the broker's web server.

Thus combination of Saylor and Jardin meet the limitation of establishing a secure communication between a voice browser and a web server for transmitting encrypted VoiceXML-based web content.

4. With regard to applicants' argument on page 13, paragraph 3, Saylor teaches a challenging process for authentication of the user (see col. 10, lines 34-39) and mutual authentication of the user and server (see column 11, lines 33-36), but does not expressly teach a challenging process for authenticating the server. Jardin, however, teaches that both client and the provider authenticate each other in a challenging fashion (see col. 2, lines 25-30 and col. 5, lines 7-15). The rejection of claims 7, 8, 27, and 28 is corrected to address this concern (please see the rejection of these claims below).

5. With regard to applicants' argument on page 13, paragraph 4, regarding the rejection of claims 9 and 10 the referencing is correct to point to the correct part of the Saylor (please see the rejection of these claims below).

6. However, in view of the above submission examiner maintains the previous claim rejections 35 USC § 103 (a) with minor corrections to reflect the above concerns at paragraphs 4 and 5.

Previous Rejection:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor et al. (6,707,889 B1; hereinafter Saylor) in view of Jardin (6,681,327 B1).

Claims 1, 4, 14, 15, 19-21, 24, 34, 35, 39 and 40

Saylor teaches a method for secure communication between a voice browser and a server (corresponding to the recited network device) with XML-based content transaction (col. 10, lines 17-40; col. 26, lines 45-63). Saylor also teaches an authentication process for a secure transaction between the Voice browser and the network server storing XML-based voice files (i.e., VoiceXML Browser Server) (col. 2, lines 1-25; col. 11, lines 24-36; col. 17, lines 16-39). Saylor, however, does not expressly disclose the encryption of VoiceXML-based content transmitted between a voice browser and a server.

Jardin discloses a system for a secure client-server communication over Internet using a secure links such as secure socket layer (SSL) and IPsec (see abstract; col. 1, line 40-col. 2, line 30; col. 2, lines 55-67). Jardin discloses that the client request for establishing a secure link with a server is transmitted to the server (col. 3, lines 14-22;

Fig. 2). Jordan also discloses that the server sends a digital certificate to the client (col. 5, lines 7-10). Jardin further discloses that the client and server authenticate each other and negotiate shared secrets and an algorithm for encrypting the transmitting information between the client and server (col. 4, lines 48-67; col. 5, lines 20-30; col. 5, lines 53-60). Jardin system uses the negotiated shared secret(s) to encrypt the transaction exchanged between the client and server.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the encryption of the XML-based transaction between a voice browser and a server using a negotiated shared secret(s) as taught in Jardin in the system of Saylor, because it would ensure the privacy of the information being transmitted from a sender to a recipient (col. 1, lines 40-45).

Claims 2, 3, 5, 6, 18, 22, 23, 25, 26 and 38

Jardin discloses that during the authentication process digital certificates, which are compliant with X.509 and contain the client and server public keys are transmitted to the server and client (corresponding to the recited Voice Browser) (col. 4, lines 48-55; col. 5, lines 7-15; col. 5, lines 39-42).

Claims 8 and 28

Saylor discloses that during the authentication process the server prompts the user to prove its identity by providing authentication information (col. 10, lines 35-40).

Claims 7, 8, 27 and 28

Jardin discloses that during the authentication process both client and server (i.e., voice browser and network device) are challenged to prove their identities (col. 1, lines 49-65; col. 2, lines 25-30; col. 4, lines 47-54; col. 5, lines 7-15).

Claims 9 and 10

Saylor discloses that in order to provide greater security during authentication and preventing misuse of the system a higher level of authentication may be implemented (corresponding to the recited public key cryptography) (col. 17, lines 16-31; col. 22, lines 39-45).

Claims 9, 10, 29 and 30

Jardin discloses that in order to prevent eavesdrop by hackers during authentication, public key cryptography is used to provide greater security (col. 1, lines 51-61).

Claims 11, 12, 31 and 32

Jardin discloses the use of public key cryptography technique for generating a shared secret(s) (col. 4, lines 48-55).

Claims 13, 16, 17, 33, 36 and 37

Jardin discloses that during negotiating process between a client and a server a list of cipher suites (corresponding to the recited a list of supported symmetrical cryptographic algorithm) are exchanged in order to select an algorithm for encrypting and decrypting the exchanged information between the sender and recipient (col. 4, line 59- col. 5, line 15).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner can normally be reached on M-T 8-6.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdulkhikim Nobahar
Examiner
Art Unit 2132



AN
January 24, 2005



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